

REMARKS

Claim Rejections - 35 USC §103

At pages 2-12, claims 1-5, 8, 10-12, 14, 15, 22-27, 29, and 32 are rejected under 35 USC §103(a) as unpatentable over WO 01/31963, Hasan, et al (hereinafter Hasan), in view of US patent application publication 2003/0119508, Gwon, et al (hereinafter Gwon).

With respect to claim 1, the Office asserts that Hasan discloses the claimed method except that it fails to specifically disclose transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip. It is asserted that Gwon discloses transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip. The Office further asserts that it would be obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gwon into the teachings of Hasan to have successive handoff measurement by obtaining advanced link down notification. Applicant respectfully disagrees.

More particularly, with respect to claim 1, it is directed to a method for delivering a content clip to a mobile terminal via a radio access network of a type required for delivering the content clip, wherein the content clip includes an indication associated therewith of the type of radio access network required, with triggering a handover of the mobile terminal to a radio access network of the type required if the mobile terminal accesses said communication network currently via a radio access network of a different type, delivering the content clip to the mobile terminal via the radio access network of the type required for delivering said content, as well as transmitting a notification to the mobile terminal, the notification indicating that the mobile terminal may request a delivery of said provided content clip, wherein a handover of the mobile terminal to a radio access network of a type required for a delivery of said content clip is

only triggered upon a request by the mobile terminal to deliver said content clip and wherein the content clip is only delivered to said mobile terminal upon a request by said mobile terminal to deliver said content clip.

Thus, it is clear that claim 1 requires that a handover of the mobile terminal to a radio access network of a type required for a delivery of said content clip is based on an indication associated to a content clip. Hasan, in contrast, only discloses a handover, such as from a 2G circuit-switched radio telecommunications network to a Serving General Packet Radio Service (GPS) Service Node in a Third Generation (3G) Internet Protocol base radio telecommunications network, when a handover is triggered by a service request. Consequently, the handovers associated with the claimed invention and that in Hasan are directed to different circumstances.

Hasan deals with the problem of how a multimedia session (such as a voice call and some additional data) requested by a mobile terminal can be performed. In Hasan, this involves the problem of how to get enough bearers for the user's session, as well as how to perform a multimedia session if the user is using the incorrect type of access network which may therefore require a handover. In contrast, the present invention deals with the situation that there are content clips, which need to be delivered to a mobile device via a specific type of radio access network without a preceding service request by the mobile terminal. The problem is thus how to insure that a content clip requiring a specific access type of access network for delivery, is in fact delivered to a mobile terminal. The problem is solved in the present invention as claimed by evaluating an indication associated to the content clip and performing a handover if required in view of this indication. This difference is clearly apparent from the feature presented in claim 1 of "transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip".

It is apparent that such a notification would be nonsensical for the situation where a mobile terminal has already requested some content, but only makes sense in the situation where content is to be delivered without a preceding request, as presented in

claim 1. In the situation where the mobile terminal has previously requested the service, it is self-evident that the related content should, in fact, be delivered to that mobile terminal.

In view of this distinction, a skilled person knowledgeable of the Hasan reference would not consider a delivery of content that has not been requested by a mobile terminal, since this would be to use a contradictory approach.

It is noted that the Office asserts that the claimed feature of “transmitting a notification to a mobile terminal, which notification indicates that the mobile terminal may request a delivery of a provided content clip” to be disclosed in Gwon. However, Gwon only discloses notifying a mobile terminal of a pre-triggering timing parameter (Gwon, paragraph [0038]). A pre-triggering timing parameter is clearly not a notification indicating that a mobile terminal may request a delivery of a provided content clip and therefore that the mobile terminal may request delivery of said content clip. Consequently, Gwon does not make up for the deficiencies in Hasan and therefore it is respectfully submitted that the combination of Hasan and Gwon does not suggest claim 1.

Independent apparatus claims 22 and 32 recite features corresponding to those set forth in independent claim 1 and for similar reasons each of these independent claims is believed to be distinguished over Hasan and Gwon in view of the reasons set forth above with respect to claim 1.

Dependent claims 2-5, 8, 10-12, 14, 15, 23-27, and 29 all ultimately depend from either independent claims 1 or 22 and are therefore believed to be further distinguished over Hasan and Gwon at least in view of such dependency.

At pages 16-19, independent claims 17 and 21 are rejected under 35 USC §103(a) in view of Hasan and Gwon, further in view of US patent application publication 2003/0022624, Sato. Sato is cited as disclosing a receiving component arranged to receive content clips from a content server, which content clips are to be delivered upon initiation of a content provider to a mobile terminal attached to a communication network

via a specific type of radio access network. Sato therefore clearly does not make up for the deficiencies recited above with respect to the deficiencies in Hasan and Gwon.

Claim 17 incorporates features corresponding to those discussed above with respect to claim 1 and therefore it is respectfully submitted that claim 17 is distinguished over Hasan, Gwon, and Sato for the reasons set forth above with respect to claim 1.

Similarly, independent claim 21 directed to a communication network incorporates features set forth in claim 1 which are believed to be distinguishing over Hasan and Gwon and which are not made up for by the teaching in Sato of connecting a communication network to a content server having information that indicates that an intersystem handover is required for a delivery of a content clip initiated by a content provider. It is therefore respectfully submitted that independent claim 21 is also distinguished over Hasan and Gwon further in view of Sato.

Since each of the independent claims of the present application is believed to be distinguished over the cited art, it is respectfully submitted that the remaining dependent claims 16, 18-26, and 31 are also distinguished over Hasan, Gwon, and Sato since each of these dependent claims depend from an independent claim which is distinguished over the cited art.

Finally, it is respectfully submitted that dependent claims 9, 13, and 30 are not unpatentable under 35 USC §103(a) in view of Hasan and Gwon and further in view of US patent application publication 2003/0114158, Soderbacka, since each of these claims depend from an independent claim which is believed to be allowable.

In view of the foregoing, applicant respectfully requests reconsideration of the claimed rejections.

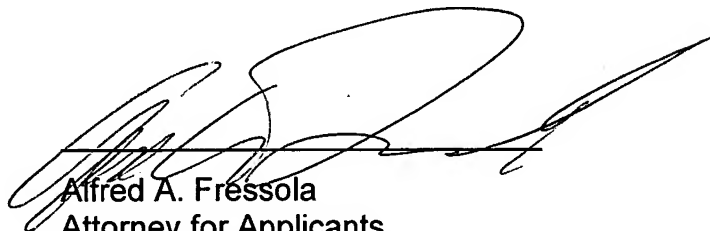
It is therefore respectfully submitted that the present application is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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